

REMARKS

1. Preamble

The Office Action of November 17, 2008 (thereafter, "OA"), rejects all active claims of the present invention ("Kaptelinin") as being unpatentable over US patent 6,803,930 ("Simonson"). In the following sections Applicant overcomes claim objections and responds to Examiner's arguments.

2. Overcoming claim rejections

AS PER INDEPENDENT CLAIMS 3 AND 20

Claim 3 reads as follows:

3. A method of displaying information in a window on a computer system including a display, said window displaying only part of its related information, the method comprising:

providing a window for displaying information; further comprising the step of

*providing means for scrolling the window; and
displaying in the window a first portion of its related information; and
scrolling the window to a second portion of its related information, further comprising the step of*

*causing visual clues, visually distinguishing new information from old information that overlaps from said first portion and has been displayed in the previous view for more than a first predetermined amount of time, to be displayed in the window after scrolling from said first portion to said second portion; and
disabling the distinguishing visual clues after a second predetermined amount of time.*

When rejecting Claim 3, OA mentions that "Simonson further teach an improvement such that the displaying of the visual clues is delayed until the newly presented portion B is displayed for more than a predetermined amount of time." (OA, 2: 20-21, 3: 1). Further, OA makes the following statement, comprising the grounds for rejecting claim 3: "...it would have been obvious to

one of skill in the art, at the time the invention was made, to implement the time delay at the previous viewed portion of the document instead of at the next portion as in Simonson." (OA, 3; 11-13).

Applicant respectfully submits that the statement above is incorrect. There are two reasons, which applicant respectfully submits are obvious to anyone with a basic competence in the area.

First, the present invention (Kaptelinin) does not teach any time delays. Therefore, it cannot possibly be an implementation/ modification of a time delay teaching.

Second, Simonson's improvement cannot be implemented at portion A instead of portion B, as suggested by Examiner. Simonson specifically teaches that "...displaying of the visual clues is delayed until the **newly presented portion B** is displayed for more than a predetermined amount of time" (OA, 2: 21, 3: 1, highlight added). Therefore, the scope of Simonson's teaching is by definition specifically limited to portion B. As obvious to anyone with a basic competence in the area (and given that the visual clue differentiates new portion B's contents from those also displayed in portion A) that substituting "portion B" in Simonson's improvement with "portion A" would not make any sense.

EACH of the above reasons is sufficient to prove that examiner's argument for rejecting Claim 3 is not valid. Kaptelinin's teaching is NOT an implementation of Simonson's teaching of time delay. Therefore, claim 3 is patentable over Simonson.

In addition, OA implies that Kaptelinin teaches not displaying the visual cue when the user needs it. Applicant respectfully submits that this statement misconstrues Kaptelinin's teaching. This issue is discussed in detail below in section 4.3, when addressing examiner's detailed arguments.

The above arguments regarding claim 3 are also applicable to claim 20.

AS PER DEPENDENT CLAIMS

The Office Action of November 17, 2008, rejected dependent claims 5, 6, 14-18, 24, 26-28 as being unpatentable over US patent 6, 308, 930 (Simonson).

Applicant requests reconsideration of this rejection. Applicant submits that the

dependent claims incorporate all the subject matter of claims 3 and 20, and add additional subject matter, which makes them a fortiori and independently patentable over Simonson.

3. Claim amendment, claims 26

Claim 26 has been amended to correct a misprint.

4. Response to "Response to Arguments"

4.1. OA essentially acknowledges that applicant's teaching is not compatible with the notion of time delay (and, therefore, different from Simonson's teaching)

In response to applicant's arguments OA responds that "The applicant's definition of time delay is respectfully appreciated, however, does not seem to synchronize with what examiner is trying to communicate." (OA, 4: 16-17).

Applicant respectfully submits that the above statement actually supports applicant's case. First, applicant's interpretation of time delay is based on standard dictionary definitions of "delay". Second, "what examiner is trying to communicate" is, essentially, a subject matter of applicant's teaching (OA, 4:18-19). Therefore, examiner essentially claims that applicant's invention does not synchronize with the notion of time delay. Given that Simonson's teaching is a teaching of time delay, examiner's statement suggests that applicant's invention is not a modification of Simonson. This is exactly applicant's point.

4.2. OA appears to confuse "time delay" and "threshold"

OA's second paragraph of page 5 essentially recites Kaptelinin's subject matter (referring to it as "As proposed by the examiner", OA, 5:2-3). However, OA does not provide any arguments indicating that Kaptelinin employs the notion of time delay. Instead, examiner states that "... the time threshold is naturally met easily...". Applicant respectfully submits that in the English language the notions of "time delay" and "threshold" have two different meanings. A teaching of threshold may involve NO teaching of time delay. This is the case with Kaptelinin's teaching: as opposed to Simonson, Kaptelinin does not teach displaying visual clues with a time delay.

4.3. Kaptelinin has an advantage over Simonson regarding disjoint scrolling

OA states that Simonson, as opposed to Kaptelinin, displays visual cue at the time when the user needs the cue. Therefore, as OA implies, Simonson has advantages over Kaptelinin in the case of disjoint scrolling, when the destination page is displayed. Applicant respectfully disagrees.

Examiner provides a useful chart (OA, 6:1-3), which can be used for the discussion. There is one problem with the chart – it indicates “time delay” or “Dt” at the intersection of “claim invention” (i.e., Kaptelinin) and “page A”. In fact, as argued above, there is no time delay at page A, according to Kaptelinin. It is inherently included that the time of displaying page A is measured, to make it possible to decide whether or not the page has been displayed for more than a predetermined amount of time. However, there is NO delay whatsoever; nothing is displayed with a time delay. Therefore, “time delay” should be deleted from the content of the cell (“page A / claim invention”). Otherwise the chart appears to be correct.

A closer look at the chart shows that Kaptelinin has advantages over Simonson in disjoint scrolling. When the user performs disjoint scrolling from page A to page C, there is no overlap between the contents of page A and page C.

Kaptelinin: does not display any cues. The absence of cues (which clues visually differentiate pre-scroll and post-scroll contents) indicates to the user that there is no overlap between A and C. And this is true. It conveys the correct message that ALL information on page C is new, compared to page A.

Simonson: displays visual cue differentiating page B (first portion) from page C (second portion). The cue is disorienting: it suggests that there is an overlap between page A and page C, which is not true.

In sum: When displaying the destination page in disjoint scrolling, when there is no overlap between the initial page and the destination page, Kaptelinin does not display a cue, which helps the user see that the two pages do not indeed overlap. Simonson, however, does display a cue, but a disorienting one.

Therefore, in case of disjoint scrolling Kaptelinin has an advantage over Simonson.

5. Request for proper examination

Applicant respectfully submits that some of his key arguments have not been properly considered. In a previous Amendment K filed on August 26, 2008, (OA of August 26, sections 3-4) Applicant provided detailed arguments that his teaching does not employ time delay. However, his arguments were simply "acknowledged", while the same apparently inaccurate statement was repeated over again. Applicant respectfully insists that either his arguments be countered with counterarguments or incorrect statements be abandoned.

In the current amendment Applicant makes one more attempt to present his arguments in a clear and simple way. Very respectfully, he requests a proper consideration of his arguments. In particular, Applicant would appreciate if Examiner provided clear and specific answers to the following questions.

5.1. Applicant understands "delay", In the context of Simonson teaching, as "postponement" or "stopping something for a time".

The understanding is based on how "delay" is defined in authoritative dictionaries of the English language, such as Webster's Third New International Dictionary of the English Language, Unabridged. Merriam-Webster, Inc., Springfield, Mass, 1993, p. 595.

Questions to Examiner:

Does Examiner agree with Applicant's understanding of the meaning of "delay" (Yes/ No)?

If not, in what different meaning is "delay" in the context of Simonson's improvement understood by Examiner? Please provide references to dictionaries of the English language, which define "delay" in that different way.

5.2. Applicant states that his invention (In particular, Claim 3), in contrast to Simonson's improvement, does NOT employ the notion of

delay.

Simonson's improvement undoubtedly employs the notion of delay (visual clues are not displayed immediately after scrolling; displaying them is postponed, stopped for a time). Applicant's invention, on the contrary (in particular, Claim 3), does not use the notion of delay. According to applicant's teaching, nothing is postponed or stopped for a time. Visual clues are either displayed immediately after scrolling or not displayed at all.

Questions to Examiner:

Does Examiner agree that Applicant's invention does **not** include a teaching of delay (Yes/ No)?

If Examiner disagrees, could Examiner please explain how he thinks applicant's invention employs "delay" What is delayed? For how long?

5.3. Applicant states, that since his invention does not teach delay, it cannot be an obvious (or any) modification of Simonson's teaching of delay.

Questions to Examiner:

Does Examiner agree that Applicant's invention, which *does not teach any delay* at all, is not an obvious modification of Simonson's *teaching of delay*? (Yes/ No)?

If Examiner disagrees, could Examiner please explain how an invention, which does not teach "delay", can be a modification of a teaching of delay?

6. Additional questions to Examiner

Applicant respectfully requests that questions in section 5 above be properly answered. **In addition**, applicant respectfully requests that the following questions be addressed, as well.

6.1. Applicant states that no visual clue should be displayed in disjoint scrolling.

In disjoint scrolling, there is no overlap between the initial portion and destination portion. Therefore, no differentiating visual clue should be presented.

Questions to Examiner:

Does Examiner agree that no visual clue should be displayed in disjoint scrolling? (Yes/ NO?)

If Examiner disagrees, could he please explain what differentiating visual clues can be useful in disjoint scrolling?

6.2. Applicant submits that Simonson's time delay is not possible to implement "at the previous viewed portion of the document instead of at the next portion as in Simonson." (OA, 3; 11-13).

Simonson specifically teaches scrolling from a first portion to a second portion and a delayed display of a visual clue differentiating the second portion from the first portion. The expression "Implementing Simonson's notion of a delayed display of the visual clue at the first portion instead of the second portion" simply does not make sense.

Questions to Examiner:

Does Examiner agree with the above statement?

If Examiner disagrees, could he please explain how Simonson's teaching of delayed display can be implemented "at the previous viewed portion instead of the next portion as in Simonson."

NOTE: Applicant respectfully requests that Examiner does not simply recite Applicant's subject matter (which would be incorrect according to section 5.3 above) but instead provides substantial answers to questions, such as: What exactly is the clue, which is presented instead of Simonson's clue if Simonson's improvement is implemented at the previously viewed portion instead of at the next portion? For how long is it delayed?

Kaptelinin

Amendment L

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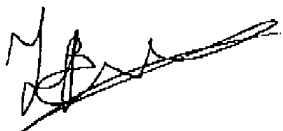
7. Concluding remarks

For all of the above reasons, applicant submits that the specification and claims are now in proper form, and that the claims all define patentably over the prior art. Therefore he submits that this application is now in condition for allowance, which action he respectfully solicits.

8. Conditional request for constructive assistance

If, for any reason, this application is not believed to be in full condition for allowance, applicant respectfully requests the constructive assistance and suggestions of the Examiner in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings.

Very respectfully,



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